

Notice of Allowability

Application No.

10/762,205

Examiner

Mark A. Williams

Applicant(s)

MORENSTEIN ET AL.

Art Unit

3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2/27/06.
2. ☒ The allowed claim(s) is/are 1, 4-11, 13-19, 22-, 23, 26, and 27.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Patrick Jewik on 4/26/06.

The application has been amended as follows:

In claim 1, line 3, "first substantially rigid portion" has been changed to – first rigid plastic portion--.

In claim 1, line 6, "second substantially rigid portion" has been changed to – second rigid plastic portion--.

In claim 1, last line, after "engagement portion pivots inward", the phrase --; wherein the first and second carrying case engagement portions each comprise an elongated horizontal portion that is configured to be attached to the carrying case— has been inserted.

Claims 2 and 3 have been cancelled.

In claim 6, line 5, "first substantially rigid portion" has been changed to – first rigid plastic portion--.

In claim 6, line 9, “second substantially rigid portion” has been changed to – second rigid plastic portion--.

Claim 6, last line, after “engagement portion pivots inward”, the phrase --; wherein the first and second carrying case engagement portions each comprise an elongated horizontal portion that is configured to be attached to the carrying case— has been inserted.

In claim 7, line 3, “a single elongated portion that is” has been changed to – their elongated portion--.

In claim 11, line 5, “first substantially rigid portion” has been changed to – first rigid plastic portion--.

In claim 11, line 9, “second substantially rigid portion” has been changed to –second rigid plastic portion--.

In claim 11, last line, after “horizontal receiving area”, the phrase --; wherein the first and second carrying case engagement portions each comprise an elongated horizontal portion that is configured to be attached to the carrying case— has been inserted.

The dependency of claim 16 has been changed from claim 12 to claim 1.

In claims 17 and 18, each instance of the word “substantially” has been deleted.

In claim 19, line 4, “first portion” has been changed to –first rigid plastic portion--.

In claim 19, line 6, “second portion” has been changed to –second rigid plastic portion--.

In claim 19, last line, after “portion pivots inward”, the phrase --; wherein the first and second carrying case engagement portions each comprise an elongated horizontal portion that is configured to be attached to the carrying case— has been inserted.

Claims 20 and 21 have been canceled.

In claim 23, line 5, “first portion” has been changed to –first rigid plastic portion--.

In claim 23, line 9, “second substantially rigid portion” has been changed to –second rigid plastic portion--.

In claim 23, last line, after “portion pivots inward”, the phrase --; wherein the first and second carrying case engagement portions each comprise an elongated horizontal portion that is configured to be attached to the carrying case— has been inserted.

Claims 24 and 25 have been canceled.

2. The following is an examiner's statement of reasons for allowance: the prior art of record fails to teach or fairly suggest a handle arrangement for a carrying case in the entire claimed combination including a first rigid plastic portion having a horizontal receiving area on an upper portion, and carrying case engagement portion on a lower portion thereof; a second rigid plastic portion having a horizontal nesting part on an upper portion configured to engage the receiving area, and carrying case engagement portion on a lower portion thereof; the nesting part is configured to pivot within the receiving area, and the handle is configured to continue to be ergonomic as the substantially horizontal nesting part pivots within the substantially horizontal receiving area, and the first and second carrying case engagement portion are adapted to pivot inwardly with respect to the carrying case, as claimed; and the first and second carrying case engagement portions each comprise an elongated horizontal portion that is configured to be attached to the carrying case.

The closes art of record, Luce and Hollingsworth, do not substantially teach or suggest the claimed invention as amended. In particular, if the handle of Luce were constructed of rigid plastic, it would not be capable of functioning in its intended manner; and the horizontally oriented nesting and receiving portions of

Hollingsworth do not allow for pivoting because of the interlocking of the handle portions.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark A. Williams whose telephone number is (571) 272-7064. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on (571) 272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mark Williams
4/27/06



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SUPERVISORY PATENT EXAMINER